

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**JEAN H. McCLENDON,**

**Plaintiff,**

**vs.**

**NASHVILLE SENIOR CARE, LLC  
d/b/a McKENDREE VILLAGE; AND  
NASHVILLE HEALTHCARE  
INVESTORS, LLC,**

**Defendants.**

**JURY DEMAND**

**Case No. \_\_\_\_\_**

**NOTICE OF REMOVAL**

Come now Defendants Nashville Senior Care, LLC and Nashville Healthcare Investors, LLC, by and through counsel, and give notice of their removal of this case to this Court. In support of their Notice of Removal, Defendants assert as follows:

(1) On October 17, 2012, Plaintiff filed a Complaint in the Circuit Court of Tennessee for the Twentieth Judicial District at Nashville, Davidson County, Docket No. 12C4187, against the above-named Defendants as well as MVI Holdings, Inc., McKendree Village Senior Care Corporation, Health Services Management Group, LLC, Health Services, Inc., and Vicki Hartway.

(2) Defendants MVI Holdings, Inc. f/k/a McKendree Village, Inc.; McKendree Village Senior Care Corporation; Health Services Management Group, LLC; and Health Services, Inc. were dismissed without prejudice on March 28, 2013.

(3) Defendant Vicky Hartway in her capacity as Administrator of McKendree Village was dismissed with prejudice on August 29, 2013.

(4) Copies of the complete state court file are attached hereto as **Collective Exhibit A** (filings from October 17, 2012, through August 27, 2013) and **Collective Exhibit B** (filings from August 28, 2013, to present). These documents are all the processes, pleadings, and orders filed with Davidson County Circuit Court to date.

(5) Plaintiff was at the time of commencement of said action and still is a citizen and resident of the State of Tennessee, and of no other state.

(6) All members of Defendant Nashville Senior Care, LLC were at the time of the commencement of said action and still are citizens and residents of the State of Georgia and of no other state. See Affidavits attached here as **Collective Exhibit C**.

(7) All members of Defendant Nashville Healthcare Investors, LLC were at the time of the commencement of said action and still are citizens and residents of the State of Georgia and of no other state. See Affidavits attached here as **Collective Exhibit C**.

(8) The State of Tennessee was permitted to intervene on August 28, 2013, for the sole purpose of defending the constitutionality of Tenn. Code Ann. §§ 29-26-101 to 122 and 29-23-101 to 104. The State is neither a citizen of a state nor a party for the purposes of determining whether diversity jurisdiction exists in this Court.

(9) Plaintiff's prayer for relief in her Complaint does not include a specific monetary amount. However, Plaintiff admits that the amount in controversy exceeds \$75,000.00. See Plaintiff's Responses to Defendant Nashville Senior Care, LLC's First Requests for Admission attached hereto as **Exhibit D**. Further, there is complete diversity of citizenship between the Plaintiff on the one hand, and Defendants on the other hand, and the case is within the jurisdiction of this Court pursuant to the provisions

of 28 U.S.C. § 1332 and is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441.

(10) A copy of this notice will be filed with the Clerk of the Circuit Court of Davidson County, Tennessee, in Nashville as required under 28 U.S.C. § 1446(d).

Submitted this the 23rd day of September, 2013.

Respectfully submitted,

**LEITNER, WILLIAMS, DOOLEY  
& NAPOLITAN, PLLC**

By: 

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and Nashville Healthcare Investors, LLC

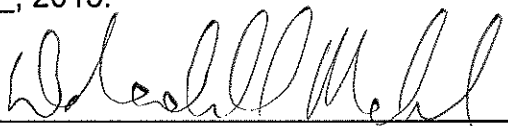
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to:

Cameron C. Jehl  
Carey L. Acerra  
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Stephanie Bergmeyer, Esq.  
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this the 23rd day of September, 2013.

By:   
D. Randall Mantooth